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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,156	02/08/2001	Ursula Murschall	00/053 MFE	4234

38263 7590 08/23/2005

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/779,156

Applicant(s)

MURSCHALL ET AL.

Examiner

Lawrence D. Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment, mailed June 7, 2005.

Claims 1-4, 6-7, 16 and 19 were amended and claim 21 was added rendering claims 1-11 and 16-21 pending.

### *Claim Rejections – 35 USC § 103(a)*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. 5,660,931) in view of von Meer (U.S. 4,384,040).

Kim shows a white film (base layer) comprising polyethylene terephthalate (a thermoplastic) comprising barium sulfate (column 1, line 61 through column 2, line 9), and bisbenzoazole (optical brightener) (column 5, lines 13-22) where white film has a thickness of 12 $\mu$ m (column 9, lines 11-16). Kim shows that the film may comprise additives (column 6, lines 59-65) and has a functional coating (column 5, lines 18-40 and column 6, lines 25-28). The reference shows the film comprises polyester and imparts whiteness and hiding power (opacity) (column 2, lines 22-28). Kim does not explicitly show a blue dye.

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Von Meer shows a photographic paper wherein the white titanium dioxide pigmented paper is dyed with cobalt blue or ultramarine (column 3, line 68 to column 4, line 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate cobalt blue or ultramarine in opaque, white film of Kim to compensate for the yellowish tint of the invention.

4. Claims 1-11 and 16-20 are allowed. The closest prior art does not teach or suggest the recited opaque, white film further including a modulus of elasticity in the transverse direction of greater or equal to  $4200 \text{ N/mm}^2$ . Additionally, the closest prior art does not teach or suggest the recited opaque, white film further including a modulus of elasticity in the machine direction of at least  $3300 \text{ N/mm}^2$  and in the traverse direction of greater than or equal to  $4200 \text{ N/mm}^2$ ; tear strengths in the machine direction of greater than or equal to  $120 \text{ N/mm}^2$  and in the traverse direction of greater than or equal to  $170 \text{ N/mm}^2$  and elongations at break of greater than or equal to 120% in the machine direction and greater than or equal to 50% in the traverse direction. The prior art does not teach motivation or suggestion for modification to make the invention as instantly claimed.

### ***Response to Arguments***

5. Rejection made under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. 4,933,043) in view of Peiffer et al. (U.S. 6,641,924) is withdrawn due to Applicant amending claim 1 to include the tensile properties of claim 20.

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Rejection made under 35 U.S.C. 103(a) as being unpatentable over Kim (U.S. 5,60,931) in view of Peiffer further in view of von Meer (U.S. 4,384,040) is withdrawn due to Applicant amending claim 1 to include the tensile properties of claim 20. However Kim (U.S. 4,933,043) in view of von Meer (U.S. 4,384,040) is maintained over newly added claim 21.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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L. Ferguson  
Patent Examiner  
AU 1774



RENA DYE  
SUPERVISORY PATENT EXAMINER

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